

### **REMARKS**

Claims 9-10 have been canceled. Claims 1, 3, 13-15, 18, and 20 have been amended. Support for the proposed amendments may be found in lines 13-22 on page 8 of the Patent Application. No new matter has been added. Pursuant to the amendments indicated herein, claims 1-8 and 11-22 are pending in the present application.

In the Office Action, claims 1-22 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 9-10 have been canceled, rendering the Examiner's of these rejections moot. With regard to independent claims 1, 13, and 20, Applicants respectfully submit that the amended claims clearly set forth actions that are to be performed as a part of a method. Applicants therefore respectfully submit that claims 1-8 and 11-22 include method steps and are therefore definite. Applicants respectfully request that the Examiner's rejections of claims 1-8 and 11-22 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Office Action, claims 1-22 were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Applicants respectfully submit that claims are directed to statutory subject matter if they provide a useful, concrete, and tangible result. Applicants respectfully submit that the pending claims (as amended herein) set forth techniques for assigning code masks to mobile units, transmitting information indicating these code masks to the mobile units, and using the code masks or transmissions over the air interface. Persons of ordinary skill in the art will appreciate that code masks are fundamentally important because they permit multiple mobile units to transmit concurrently over the air interface. Consequently, Applicants respectfully submit that the pending claims set forth a

useful result. Applicants further submit that the claims set forth transmitting the code masks and/or using the code masks to transmit messages over the air interface. The transmitted messages are concrete and tangible and therefore the pending claims also set forth a concrete and tangible result.

For at least the aforementioned reasons, Applicants respectfully submit that the pending claims (as amended herein) are directed to statutory subject matter and requests that the Examiner's rejections of claims 1-8 and 11-22 under 35 U.S.C. § 101 be withdrawn.

In the Office Action, claims 1-7 and 9 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Grilli (U.S. Patent No. 6,438,117). Claim 9 has been canceled rendering the Examiner's rejection of this claim moot. Pursuant to the amendments indicated herein, the Examiner's remaining rejections are respectfully traversed.

Grilli describes traffic channel masks 224, 226 that are in public long code mask formats. The traffic channel masks include a base station identifier 232 and a unique, 16-bit number 236 chosen from a pool so that no two mobile stations can have the same long code mask. See Grilli, col. 26, ll. 57-63 and Figures 14A-D. However, Grilli is not concerned with inter-frequency handovers of mobile units and therefore is completely silent with regard to systems that support multiple frequency bands for radio transmission. Consequently, Applicants respectfully submit that Grilli fails to teach or suggest generating a code mask for coding transmissions over a traffic channel based on frequency differentiator(s) that indicate one of a plurality of frequency ranges, as set forth in independent claim 1.

For at least the aforementioned reasons, Applicants respectfully submit that claims 1-7 (as amended herein) are not anticipated by Grilli and request that the Examiner's rejections of claims 1-7 under 35 U.S.C. § 102(b) be withdrawn.

In the Office Action, claims 1-22 were provisionally rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by co-pending patent application serial no. 10/423947, referred to hereinafter as the co-pending application. Claims 9-10 were canceled, rendering the Examiner's rejections of these claims moot. Pursuant to the amendments indicated herein, the Examiner's provisional rejections are respectfully traversed.

The co-pending application describes techniques for forming public long code masks. However, the co-pending application is completely silent with regard to problems related to inter-frequency handovers of mobile units in systems that support radio transmission using multiple frequency bands. Consequently, Applicants respectfully submit that the co-pending application fails to teach or suggest generating a code mask for coding transmissions over a traffic channel based on frequency differentiator(s) that indicate one of a plurality of frequency ranges, as set forth in independent claims 1, 13, and 20.

For at least the aforementioned reasons, Applicants respectfully submit that claims 1-8 and 11-22 (as amended herein) are not anticipated by the co-pending application and request that the Examiner's rejections of claims 1-8 and 11-22 under 35 U.S.C. § 102(e) be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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/Mark W. Sincell/

Mark W. Sincell, Ph.D.

Reg. No. 52,226

Williams Morgan & Amerson, P.C.

10333 Richmond Avenue, Suite 1100

Houston, TX 77042

(713) 934-7000

(713) 934-7011 (Fax)

AGENT FOR APPLICANTS